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THE GERMAN RESPONSE TO *12 ANGRY MEN*

STEFAN MACHURA*

Immediately after its release, the American movie *12 Angry Men*¹ was acclaimed by German critics.² The film received the prestigious “Golden Bear” award at the Internationale Filmfestspiele Berlin in 1957 during the midst of the Cold War. The grading institution of the German film industry labeled *12 Angry Men* “especially valuable,” indicating its educational worth for youth. *12 Angry Men* is known by most Germans³ and is widely understood as a model not only of the jury, which does not exist in Germany,⁴ but also of American democracy. In their deliberation, the citizen jurors in the film overcome their prejudices, despite varying backgrounds, ideologies, and interests.⁵ Common sense takes the upper hand and guides the resolution of the case. Jacksonian democracy entrusts citizens with public affairs. Traditionally, German culture hails experts at the expense of lay people. Experts define themselves by exams and professional practice. Legal decisions and legal advice, for example, have been increasingly taken over by lawyers, career judges, other legal professionals, and public

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1. *12 ANGRY MEN* (Orion-Nova Productions 1957).

2. This continues until today. MATTHIAS KUZINA, *DER AMERIKANISCHE RICHTERFILM 265–74* (2000) (calling *12 Angry Men* the only “American juror movie worth discussing” after mentioning prior and subsequent juror films). *12 Angry Men* is also recommended by, for example, Kai-Jochen Niehaus, *Jura Goes Hollywood—Classics*, 19 *JUSTUF* 14, 20–22 (2004). The film is also used for teaching and research at German universities. See, e.g., DIETER BECK, *SOZIALPSYCHOLOGIE KOLLEKTIVER ENTSCHEIDUNGEN* (2001).

3. In a randomized telephone survey in the Bochum area of West Germany in 2005, 50.5 % of all respondents and 59.6% of respondents over the age of 40 indicated having seen *12 Angry Men*. See Stefan Machura, *TV-Gerichtsshow: Licht und Schatten*, in *IM NAMEN DES FERNSEHVOLKES: NEUE FORMATE FÜR ORIENTIERUNG UND BEWERTUNG* (Katrin Döveling, Lothar Mikow & Jörg-Uwe Nieland eds., forthcoming).

4. The abolishment of the jury by emergency decree in 1924 mainly aimed to save costs. The jury of twelve was replaced by an enlarged court of lay assessors consisting of three professional and six lay judges. See GÜNTHER HADDING, *SCHWURGERICHTE IN DEUTSCHLAND* 84–86 (1974). In 1974, the number of lay persons was further reduced to two in order to preclude any conviction against the vote of the professional judges. See CHRISTOPH RENNIG, *DIE ENTSCHEIDUNGSFINDUNG DURCH SCHÖFFEN UND BERUFSRICHTER IN RECHTLICHER UND PSYCHOLOGISCHER SICHT* 81 (1993). Still the name “Schwurgericht” remains and alludes to the old jury court. “Geschworener” is the German term for “juror,” which explains the German title of Fonda’s film: *Die Zwölf Geschworenen*.

5. *LEXIKON DES INTERNATIONALEN FILMS* (Katholisches Institut & Katholische Filmkommission eds., 1997) (DVD edition, entry *12 Angry Men*).

servants. The expertocracy may have seen its peak at the end of the 1960s and in the early 1970s. Later citizens started to question experts' opinions and decisions more frequently when it came to, for example, medical cures or risky technologies.⁶ Notwithstanding this criticism, experts continue to make the decisions in numerous areas. Not surprisingly, the German film *Die Konferenz*, which follows the lines of *12 Angry Men*, portrays a group of public servants, namely teachers, who decide the fate of a young man.⁷ *Die Konferenz* is about allegations of rape against a student at a "Hölderlin-Schule" in Frankfurt and how the teachers make up their mind. The film has a number of similarities to, as well as telling differences from, *12 Angry Men*.

Similar to Americans, who cannot follow jury deliberations on the small screen, Germans cannot follow the deliberations of teachers' conferences on television. Nevertheless, the decisions of a teachers' conference can be as grave for an individual as many jury trials. This is especially true if the school is asked to support a complaint to expel a student. Thus the stakes are high for Viktor Leysen, the accused in *Die Konferenz*. The mother of seventeen-year-old Tizia Jensch demands that he be expelled from school, because Viktor allegedly raped Tizia in the school's boiler room. It is now up to Viktor's teachers to recommend the end of his school career. As the film puts it, the educational authority is known to follow the teachers' vote in such cases.

But in this deliberation, not only is Viktor's fate at stake, but also the self-images of the teachers. In *12 Angry Men*, the jurors have to find their role as full-fledged, conscientious American citizens called to jury duty.⁸ Eventually, they overcome their prejudices and work out an independent judgment on the case. Teachers should not be misled in their decisions by sympathy for individual students or, in the case of Viktor, the lack of sympathy. They also should not confuse personal problems with their under-

6. See, e.g., Peter Henning Feindt, *Kommunale Demokratie in der Umweltpolitik Neue Beteiligungsmodelle*, B27/98 AUS POLITIK UND ZEITGESCHICHTE 39 (1997).

7. The eighty-nine-minute film *DIE KONFERENZ* (Hessischer Rundfunk/Arte Deutschland TV, 2004) was funded by the public Hessische Filmförderung, produced by the TV of the Province Hesse, and premiered at the Filmfest München in July 2004. See *FILMLAND HESSEN* (No. 1/2006), available at http://hrzb3.hrz.uni-giessen.de/de/Film_und_Medien/Downloads_Film_und_Medien/Filmland_Hessen/Filmland-Hessen.pdf; Filmportal, *Die Konferenz*, <http://www.filmportal.de/df/5d/Ueber-sicht,,,,,C788262F64A74FAC8CE7F0F4E71A7C9D,,,,,html> (last visited Aug. 16, 2007). It was first broadcast on the French-German culture cable channel Arte in February 2005, to be followed by a broadcast to a wider audience on the ARD in November 2005. Susanne Wolff, *Eindringliches Kammerspiel*, Nov. 11, 2005, <http://news.freecity.de/artikel/160391> (last visited Dec. 2, 2006). It recently appeared again on the ARD in December 2006.

8. See Nancy S. Marder, *Why 12 Angry Men? (1957): The Transformative Power of Jury Deliberations*, in *SCREENING JUSTICE—THE CINEMA OF LAW* 157 (Rennard Strickland, Terec E. Foster & Taunya Lovell Banks eds., 2006).

standing of the case. As the German film shows, this is not only a challenge for lay people like the jurors in *12 Angry Men*; professionals can only fulfill their tasks by employing expert knowledge, as well as their everyday understanding.⁹ For example, judges and lawyers bring their personal experience into their work. The teachers in *Die Konferenz* struggle to get a better understanding of the case involving Viktor and Tizia. All too often, their personal prejudices and traumatic experiences interfere with the task at hand. The deliberation turns into a psychological struggle.¹⁰

I. EDUCATION CRISIS AND GENDER RELATIONS

“Movies—especially social justice dramas about law and lawyers—are, like all of us, products of a specific time,” stated Rennard Strickland.¹¹ *Die Konferenz* was produced in 2004 by a public broadcast.¹² During this time, Germany was suffering from “Pisa shock.” “Pisa” is a series of national comparisons and it focuses on the abilities of students. Traditionally, the German-type high school, the Gymnasium, forged an élite of future lawyers, doctors, and scientists. The schools for the general population at least reliably provided instruction in reading, writing, and math. During the last few decades, however, schools have suffered from numerous problems, and parents have felt more and more helpless in guiding and controlling their kids. The Pisa-comparisons revealed that most German schools performed poorly in educating the future labor force, while countries like Finland appeared at the top of the Pisa lists.¹³ Even worse, disciplinary problems and fear of crime added to the public shock over the schools’ performance. The debate reached its peak when an expelled young man stormed his school heavily armed and massacred teachers, students, and helpless police. This incident in the East German town of Erfurt sparked discussions regarding school failure, first-person shooter video games,¹⁴

9. See, e.g., Feindt, *supra* note 6, at 39.

10. For the sake of clarifying the main similarities to and differences from *12 Angry Men*, the following discussion does not follow the order of the scenes.

11. Rennard Strickland, *Bringing Bogie out of the Courtroom Closet: Law and Lawyers in Film*, in *SCREENING JUSTICE*, *supra* note 8, at xxi, xxxi.

12. These public bodies are still following the tradition of the BBC. Public television was established in Germany by the British after 1945 following Allied “re-education” policies. Public broadcasts are expected to address social and political problems, even if it means losing parts of the audience to private entertainment media.

13. B. Esser et al., *Deutschland muß nachsitzen*, FOKUS, July 1, 2002, at 18, 22.

14. According to a new empirical study conducted by the Kriminologisches Forschungsinstitut Niedersachsen, playing violent computer games correlates with poor marks in school. See Peter-Philipp Schmitt, *Gewalt im Kinderzimmer*, FRANKFURTER ALLGEMEINE ZEITUNG, June 14, 2006, at 9.

and school violence. Schools faced serious problems and many teachers seemed unprepared.

This background is visible in *Die Konferenz*.¹⁵ As one film critic wrote, "On a cold winter evening, nine teachers meet in a run-down school library, this already is a political statement."¹⁶ One teacher in the film mentions Erfurt, while another argues that Viktor wouldn't return to the school with a pump gun. The main problem addressed by the film goes even deeper. It is an issue that troubles many Germans and poses a major challenge, especially to schools: gender relations. The film is about gender relations where they are the most painful: "love" that has turned into hate, betrayal, mistrust, and envy.¹⁷ These are timeless horrors, but today they mix with the controversial issues of the emancipation of women and the cynicism following the commodification of sexuality. How can "real" love be distinguished from variations of abuse when gender relations are rapidly changing? Society struggles with defining acceptable behavior, yet it has formed a consensus that violence shall be excluded and punished. Where do other forms of abuse begin and end? The accounts of Tizia and Viktor in *Die Konferenz* differ fundamentally. Was this rape or an act of passionate bodily love? In the absence of witnesses, who should be believed? How do others define the inexperienced Tizia's experience? Does Viktor respect the restrictions society places on male behavior?

II. COMPETING NARRATIVES

One of the key elements of legal movies is that the ultimate judgment belongs to the individual viewer.¹⁸ Films that provide different narratives of the crime at issue fit perfectly into the genre. As in *12 Angry Men*, where

15. In his newspaper film review, Michael Link also places *Die Konferenz* in the context of the Pisa debates ("the body of teachers, the whole country in Pisa-stiffness") and of the Erfurt massacre. Michael Link, *In der Pisa-Starre: Der Film "Die Konferenz" auf Arte zeigt ein Lehrer-Kollegium, das in der Krise versagt*, DIE WELT, Feb. 4, 2005.

16. Sandra Kegel, *Die neun Geschworenen*, FRANKFURTER ALLGEMEINE ZEITUNG, Feb. 4, 2005. Kegel also stresses the reference to the Erfurt massacre.

17. The writer of *Die Konferenz*, Bodo Kirchoff in an interview confirmed this reading that love and the individual position taken to it forms the main topic. Thomas Neuhauser, Interview mit dem Schriftsteller und Drehbuchautor Bodo Kirchoff, http://www.bodokirchoff.de/neuhauser_gespraech.html (last visited Dec. 2, 2006). He adds his assumption that teachers are often hiding a fundamental weakness. This weakness emerges when they are under great stress. For the director of *Die Konferenz*, Niki Stein, the main topic of the film is that the society wants teachers to solve problems that "we can not solve at home." Kegel, *supra* note 16.

18. See Stefan Machura & Stefan Ulbrich, *Law in Film: Globalizing the Hollywood Courtroom Drama*, in LAW AND FILM 117, 131-32 (Stefan Machura & Peter Robson eds., 2001).

the defendant's guilt remains ultimately open,¹⁹ *Die Konferenz* at best suggests a "reasonable doubt" as to Viktor's guilt.

The principal in *Die Konferenz* reads the protocols of Tizia's and Viktor's accounts. The girl gives a graphic and believable version of the events. She describes a rape and, in the end, according to Tizia, Viktor turned away from her, saying "shit." However, doubts arise regarding certain aspects of Tizia's account: one teacher remarks that Tizia's claim "I screamed in his hand" sounds rather lyrical.²⁰ Doubts also arise because Tizia's mother did not call the police, which would have started a criminal case, but instead wants the affair to be treated administratively. Here, as often happens in films, the viewer has to accept an illogical twist. Rape constitutes a felony and a criminal investigation would be mandatory. The audience will hardly miss this point, as it is clearly marked by one teacher's astonished comment during the conference.

During a break, Mrs. Kressnitz, the youngest teacher, finds Tizia's younger sister sneaking around in the corridor and hiding herself in a bathroom. In tears, Tizia's sister mentions that it—the public affair—is her, the younger sister's, fault and that Tizia is holding her responsible. In the film, the audience learns that Tizia's mother, Dr. Jensch, is divorced and has a rather hysterical character. She is not above using her position as speaker of the parents' board and her press relations as a member of a school expert group against the principals. Did she seek revenge on a young man who inflicted pain on her daughter? Did she suggest to her daughter that the incident was a rape? Is "rape" the only "excuse" Tizia could find when faced with her upset mother? Building on this element of doubt, the audience hears Mrs. Kressnitz's statement that Tizia will be at home crying on the evening of the conference.



19. In their film discussion, Bergman and Asimow even conclude "almost certainly the defendant killed his father." PAUL BERGMAN & MICHAEL ASIMOW, REEL JUSTICE 26 (2006).

20. DIE KONFERENZ, *supra* note 7.

Yet, Kressnitz herself introduces another piece of “evidence”: a videotape from the school theatre group. Filmed immediately before the incident in the boiler room, it shows Tizia and Viktor laughing and joking in a sexually charged atmosphere, while rehearsing Shakespeare’s *A Midsummer Night’s Dream*. (See Picture 1.) They are playing lovers Thisby and Pyramus, desperately pining for each other, and their feelings appear all too real. “You can’t play love if there isn’t at least some love, at least for the moment,” Kressnitz explains.



Finally, the janitor heard a certain song playing in the boiler room where the mattress lays.²¹ The teachers recognize the song as *Play with Fire* by the Rolling Stones, which is used for teaching purposes. Quickly, the LP is found and played, and the teachers start to dream while listening to it. (See Picture 2.) The chorus of the song states, “But don’t play with me ’cause you’re playing with fire.”²² The song tells the story of a girl’s mother who has been betrayed and financially ruined by the girl’s father. The singer warns the girl not to start an affair with him or she would end up like her mother. This suggests that Tizia’s mother took revenge on Viktor for repeating what Tizia’s father had done to her.

At its first broadcast, *Die Konferenz* was announced with the words “And now taboos are coming on the agenda.”²³ And indeed, the film does touch upon taboos. The strange biology teacher, Pirsich, suggests that “taboo” might explain Tizia’s behavior. The queen bee, he states, defends her own space in the beehive and kills males who come too near. According to

21. At first, the janitor seems to be only an equivalent to the bailiff in *12 Angry Men*. Yet, he is a dubious figure. He tries to conceal the existence of the mattress in the boiler room as long as he can.

22. ROLLING STONES, *Play with Fire*, on *OUT OF OUR HEADS* (1965).

23. Video from the French-German culture channel Arte at February 2, 2005.

Pirsich, Tizia refrained from contact with boys, despite the fact that the sports teacher believes “she could have everyone.” Pirsich suggests that Tizia now seeks revenge from Viktor.

But doubts are also cast on the character of Viktor, who is the nightmare of many of his teachers. The offspring of a wealthy family with separated parents, he drives to school in his mother’s Jaguar. He does what he wants, and his behavior in school depends on his opinion of the teacher. Viktor is the cynical opinion leader of the class, able “to destroy a man with one word.”²⁴ He is independent-minded and sticks to his opinion even when confronted by teachers. As the leftist English teacher “Henna-Heide” vigorously complains, Viktor returned from a stay in the States with “this awful dialect,” similar to President Bush’s, and refuses to speak “plain English.” Viktor has even been involved in a teaching apprentice’s failure to prove her skills at school and is blamed for provoking another teacher’s suicide. Only some of the teachers in the conference admit that the young female apprentice was not really fit for her job and that the other teacher had been a desperate alcoholic. According to one witness, Viktor even boasted to other students that he “gave it to Tizia.”²⁵

Other events also do not show this young man in a favorable light. Viktor once took a photo of the sports teacher in the gym’s dressing room, used a computer to add a tattooed rose on his rear, and submitted the photo to a lifestyle journal’s series “Germany’s sexiest teacher.” And what does the viewer think about Viktor buying of a copy of *A Midsummer Night’s Dream* and offering it to Mrs. Kressnitz with a romantic dedication? The dedication consists of Lysander’s words in Act 3, Scene 2 of Shakespeare’s drama: “Why should you think that I should woo in scorn? Scorn and derision never come in tears.”

III. DELIBERATION ATMOSPHERE

An American jury is formed for just one specific case, and the jurors do not know each other. In *12 Angry Men*, they identify themselves by their numbers. The conference of teachers in *Die Konferenz* belongs to a different type of group, all having a common history. Two of the teachers—“Henna-Heide” and “Kongo-Holger,” as they are called by students—are married. Two other teachers once had a love affair. The sports teacher is after Mrs. Kressnitz, but she does not like him at all. He also feels that he is disregarded by his colleagues because he teaches this subject. Leo Stern is

24. DIE KONFERENZ, *supra* note 7.

25. *Id.*

envied by some because he owns houses. His colleague Pirsich is mocked by the leftist couple for being a member of a local council, representing the Christian Democrats. The vice principal is shocked to find out that all of her colleagues already knew what she has just discovered—her husband, also a teacher at the school, has been having a longstanding affair with another colleague, Maria Ferrero—and not a soul told her. These and other conflicts do not facilitate a reasonable discussion during the conference.

With the ambiguity of the case and tensions among the teachers steadily rising, much depends on the ability of the school principal to preside over the conference. The foreman in *12 Angry Men* is a minor figure and rather modest in his attempts to control the discussion. In *Die Konferenz*, the appearance of the school principal might have allowed for a more powerful and dominant figure. An “authoritarian” principal might have entered the scene, having already made up her mind and silencing all opposing voices. However, *Die Konferenz* derives its suspense from the openness of the deliberation. Therefore, school principal Cornelia Cordes does not push the case and allows the teachers ample opportunity to make their statements. She also calms heated moments and guards the proceedings. Cordes thus provides a precondition of what Jürgen Habermas has described as “domination-free communication.”²⁶ After all, the film’s Gymnasium is based in Frankfurt. For audiences, the fairness of the authorities in these types of films forms a major point of interest.²⁷ Cordes meets the fairness criteria well. However, the teachers themselves repeatedly try to subdue each other through mockery, unfair criticism of each other’s opinions, and even questioning of their colleagues’ true calling to work at a school.

IV. INJUSTICE FIGURES

Drama films deal with confrontations between characters. The arsenal of dramatis personae carries a film’s plot. How are the teachers in *Die Konferenz* constructed? According to Nicole Rafter, films on crime and law depict a fight between a “justice figure” and an “injustice figure.”²⁸ The

26. See Frieda Heyting & Christopher Winch, *The Role of Critique in Philosophy of Education: Its Subject Matter and Its Ambiguities*, 38 J. PHIL. EDUC. 311, 315 (2004). Habermas’s theory of politics and law finds its expression in his book *FAKTIZITÄT UND GELTUNG* (3d ed. 1993). For an overview of theories on fairness, see Stefan Machura, *Introduction: Procedural Justice, Law and Policy*, 20 LAW & POL’Y 1 (1998); see also *PROCEDURAL JUSTICE* (Tom R. Tyler ed., 2005).

27. Stefan Machura, *Procedural Unfairness in Real and Film Trials: Why Do Audiences Understand Stories Placed in Foreign Legal Systems?*, in *LAW AND POPULAR CULTURE* 148 (Michael Freeman ed., 2005).

28. NICOLE RAFTER, *SHOTS IN THE MIRROR: CRIME FILMS AND SOCIETY* 94 (2000).

latter represents a danger that justice will not be achieved; the former works to get justice done.

In *12 Angry Men*, the major justice figure is Juror #8, played by Henry Fonda. Only through his questioning of the case's details and his constant effort to involve his fellow jurors in deliberations does the course of the plot change. There are two major injustice figures, jurors who stick to their personal stereotypes and do not want the young boy to "slip through [their] fingers."²⁹ Juror #10 exposes himself as a racist, believing that all inhabitants of certain parts of the city are born liars and criminals. Juror #3 has experienced a traumatic split with his son, caused by his cruel methods of education. His disappointment has turned into hate. He easily identifies with the murdered father, who was known for similar violent actions against his son.

Die Konferenz also has at least one "injustice figure," a teacher who is most eager to expel Viktor. Holger Stubenrauch remains furious over an incident where Viktor, surrounded by his classmates, shouted "come down to us" to the desperate, alcoholic teacher who stood at the window of his empty classroom. Not only does Stubenrauch bemoan the loss of his friend, but he also blames Viktor for the failure of the young teaching apprentice and dislikes Viktor for not taking lessons from him. He has already tried to expel Viktor from school several times. Only after several twists and discussions, and after his wife has voted for Viktor, does Stubenrauch change his mind, because he believes his dead colleague would have so decided.

Other teachers would also qualify as "injustice figures" by the way they behave. Stubenrauch's wife, for instance, is strongly opposed to Viktor, as previously mentioned. Another of Viktor's enemies is Leo Stern. He generally appears to be a decent person, but he has developed a cold rage against Viktor because Viktor made him look like a fool at a critical moment. Stern had once had a romantic affair with school principal Cordes in Italy. When Viktor crossed their path, he invited them on his father's luxurious yacht and, with a single cynical remark, cooled Cornelia Cordes's passion. Viktor evoked doubt in her regarding the suitability of Stern as a partner. Still today, Stern is unable to win Cordes back.

29. Reginald Rose, *Twelve Angry Men*, in *FILM SCRIPTS TWO* 156, 272 (George P. Garrett, O.B. Hardison & Jane R. Gelfman eds., Irvington Publishers 1989) (1972) (screenplay version of the film *12 ANGRY MEN*, *supra* note 1).

V. A QUESTION OF GENDER

Gender relations form the main point of *Die Konferenz*. In Germany at the beginning of the twenty-first century, a social-democratic version of feminism won its battle and men have had to adapt to their new role. As in Scandinavian countries, culture and institutions are now better geared to serve the interests of working women. Old-fashioned “machos” are increasingly excluded. “Female virtues” like empathy and social skills are highly valued and are demanded from men as well. The schools in particular have become “female” institutions, where girls have better average marks and have had an easier time finding sympathy from their predominantly female teachers. Additionally, subjects like languages, which are more favored by girls, are gaining importance.³⁰ Boys often have problems with reading and writing and show deficits in social behavior. Girls perform much better in German schools and allegedly discourage their male colleagues. There are schools with almost no male teachers. In the past, the figure of the “catholic girl from the countryside”³¹ symbolized the disadvantaged. This, however, is no longer the case.³² Today, some people argue that boys should be separated from girls in school to better address their needs.³³

Among the group of teachers in *Die Konferenz*, there is almost no “real man”—no hero like those found in many of the movies from the 1950s. There is no one like Viktor, who seems to come from a bygone age and is independent, obstinate, courageous, impudent, conquering, head and shoulders above the rest. And there is no “traditional woman” among the teachers: a tender, insecure woman, who hesitatingly allows herself to be seduced. Tizia may satisfy these criteria, depending on what the viewer believes about the evening in the boiler room.

Most likely, Tizia’s and Viktor’s has been an old-fashioned love affair, unabridged by the lessons mature men and women have learned. It may be a modern version of *Romeo and Juliet*, in a post-romantic world where the adults impose their views on the young and force them to restate the affair in acceptable terms. Tizia, shaken by what was her first sexual

30. See Peter Scymaniak, *Problemfall Jungs*, WESTDEUTSCHE ALLGEMEINE ZEITUNG, Dec. 19, 2006, at 1.

31. See Beate Kraus, *Perspektiven und Fragestellungen der Soziologie der Bildung und Erziehung*, in SOZIOLOGISCHE FORSCHUNG: STAND UND PERSPEKTIVEN 81, 83 (Barbara Orth, Thomas Schwietring & Johannes Weiß eds., 2003).

32. “In the meantime, the boy with a migration background from the big city combines all risk factors,” a ministerial bureaucrat is quoted as saying. Christian Herrmann, *Das starke Geschlecht schwächelt: Jungen gelten zunehmend als Bildungsverlierer*, WDR.DE BRENNPUNKT SCHULE, Sept. 26, 2006, http://www.wdr.de/themen/wissen/bildung/brennpunkt_schule/jungen/index.jhtml?rubrikenstyle=brennpunkt_schule_praxis (last visited Dec. 19, 2006).

33. See *id.*; Scymaniak, *supra* note 30.

experience, was forced to tell a story her mother would accept and perhaps even know too well. Viktor also presents an excuse more than a confession of love. Because of the way the teachers are portrayed, they are not well prepared to understand the students, with one notable exception.



The male teachers appear surprisingly weak: Rolf C. Pirsich, the sports fan, is fat and ugly, unattractive and uninterested. Holger Stubenrauch slept drunk in an African hut, while his wife was raped three times a few meters away. She does not talk about the incident until it comes out in the heated discussion. She could not tell the story to a man who still answers the telephone with “here is Holger,” she says in despair. (See Picture 3.) Karsten Graf, the youngest male teacher, is not taken seriously because of his job as a sports teacher. In addition, Viktor has degraded him forever by submitting the “sexiest teacher” photo to a magazine. His attempts to attract Mrs. Kressnitz are constantly turned down. Leo Stern is a tragic case. He has many of the characteristics of a film hero, but the decisive element is missing: he is not trusted by the woman he loves. He also cannot forgive Viktor for his interference, and he can hardly see beyond his prejudice. At one point in the heated debate, his colleagues even called him a “Robespierre.”

There also is no female hero among the teachers. Although she provides major evidence, Sophia Kressnitz is overcome by her disappointment in Viktor, who courted her by sending her the book but then slept with Tizia. She is the last person to show contempt for Viktor, after the colleagues decide against expelling him. Marlies Kahle-Zenk, the vice principal, is mentally and emotionally exhausted, an object of pity by her colleagues who have known about her husband’s adultery for a long time.

Kahle-Zenk is unable to give warmth, as exemplified by the nickname given to her by the students: “KZ.” Heike Stubenrauch is not only biased against Viktor, but paralyzed by her traumatic African experience and cannot think beyond it. Reflecting on her own suffering, she states that “to be raped is the biggest shame,” and she finally concludes, “No, I do not think Tizia has experienced *this*.”³⁴ Again, her personal feelings get the upper hand, only this time, she changes her vote in favor of Viktor.

The principal is played by star actress Senta Berger, who could have easily personalized the ideal woman again.³⁵ Henry Fonda not only played the “justice figure” in *12 Angry Men*, but he also co-produced the movie. American and international audiences recognize him from many films in which his characters symbolize justice.³⁶ Therefore, the audience gets a clue about the resolution of the case,³⁷ shifting the focus of interest to how Fonda’s Juror #8 argues.³⁸ Significantly, Senta Berger’s role in *Die Konferenz* differs from Fonda’s role. Still, the German audience remains interested in how Berger’s character operates. However, her final decision is not clear from the start. She indicates that she would like to “bring this to a good end.”³⁹ She embodies what some feminist scholars praise as “female virtues” of mediating,⁴⁰ but this alone does not make her a “justice figure” in Rafter’s terms. Her initial move to have a unanimous verdict might be her biggest contribution because it results in an exchange of arguments. She is also marked by her readiness to doubt Stern’s feelings, which were triggered by Viktor’s cynical comment.

34. DIE KONFERENZ, *supra* note 7.

35. Senta Berger’s vita and filmography are listed by an Austrian television channel. See ORF, Senta Berger, http://kundendienst.orf.at/starsimorf/berger_senta.html (last visited Dec. 2, 2006).

36. In one of these films, THE OX-BOW INCIDENT (Twentieth Century-Fox Film Corp. 1943), Henry Fonda is a cowboy who leads the group of righteous opponents against a lynch-mob. In a powerful scene, everyone votes for or against the hanging of supposed killers and kettle thieves. Shortly after the hanging, the alleged criminals were revealed to be innocent. This movie already showed some elements of *12 Angry Men*. In YOUNG MR. LINCOLN (Twentieth Century-Fox Film Corp. 1939), Fonda represents an American symbol for justice. See Michael Böhnke, *Myth and Law in the Films of John Ford*, in LAW AND FILM, *supra* note 18, at 47, 53–57.

37. MICHAEL ASIMOW & SHANNON MADER, LAW AND POPULAR CULTURE 136–37 (2004).

38. *Id.*

39. DIE KONFERENZ, *supra* note 7.

40. For the scholarly debate on difference feminism and empirical results, which are inconclusive, see Ulrike Schultz, *Introduction: Women in the World’s Legal Professions: Overview and Synthesis*, in WOMEN IN THE WORLD’S LEGAL PROFESSIONS, at xxv, liv–lix (Ulrike Schultz & Gisela Shaw eds., 2003); STEFAN MACHURA, FAIRNEß UND LEGITIMITÄT 107–13 (2001).



Finally, the film has a hero, though a very silent variation of Fonda's Juror #8 in *12 Angry Men*. Dr. Roman Branzger is the film's true justice figure.⁴¹ (See Picture 4.) Branzger has the attributes of a movie hero, though he is hampered by his age and a serious cold.⁴² He nevertheless attends the conference, feeling obliged to contribute to the achievement of justice. Viktor is his tutee and Branzger "does not like to lose a student."⁴³ Openly, he reminds his colleagues to set their personal feelings aside. After hearing that the sports teacher was given the nickname "Porno-Graf" by the students after the "sexiest teacher" photo, Branzger admits, that his own nickname is "Romi." It alludes to his sexual preferences—homosexuality—Branzger admits. Yet, he knows that a teacher has to live with his nickname and with the niceties, contempt, and other bad attitudes of students. Laying his innermost feelings bare, Branzger explains how he deals with provocations and gives an example to his peers. He explains Viktor's behavior as "Intensitätshunger," that is, a hunger for intense experiences. Dr. Branzger also provides the final clue to the story: no one is less prepared for the onslaught of love than young students, and no one is more likely to become its victim.

41. Principally, the writer of *Die Konferenz*, Bodo Kirchoff, sees Branzger as the main figure of the story. In an interview, Neuhauser, *supra* note 17, he regrets that the principal, played by star Senta Berger, has become the dramaturgical center of the film. Kirchoff admits that he wrote a novel *WO DAS MEER BEGINNT* (2004). It is again about an alleged rape case at a Gymnasium and clearly centers around Dr. Branzger. The old teacher saves Viktor from having to leave the school and Viktor meets Tizia again years later in Lissabon.

42. In *12 Angry Men*, a summer heat with a sudden heavy rain and thunder serves as the background to the jurors' heated debate. Director Niki Stein ordered the heat to be turned off while filming *Die Konferenz* in "real darkness" during the winter, as actress Senta Berger remembers. *Mehr als Zeitung im Netz*, <http://www.suedkurier.de/nachrichten/dpa/starline/fernsehen/tv-tippdestages/art807,1781919.html> (last visited Dec. 2, 2006).

43. *DIE KONFERENZ*, *supra* note 7.

In the end, the group of teachers dissolves. Holger Stubenrauch leaves the room, spouting formulaic phrases about how the schools and the students should work together to achieve educational goals. Mr. Pirsich not only files the conference protocol, but also erases the novel he was writing about his school, believing it better not to lay things bare to the public. If *12 Angry Men* shows how the rooms of the courthouse are filled with unprejudiced reasoning, and if it in the end leaves its viewers “comfortably beneath its columns,”⁴⁴ *Die Konferenz* refrains from giving such a comforting conclusion.

44. Jessica Silbey, *Patterns of Courtroom Justice*, in *LAW AND FILM*, *supra* note 18, at 97, 105.